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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/917,258

**Applicant(s)**

MAKINO ET AL.

**Examiner**

JENNIFER LIVERSEGE

**Art Unit**

3692

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-7, 9-13, 23, 24, 32, 33 and 37-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-7, 9-13, 23, 24, 32, 33 and 37-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is responsive to Applicant's amendment and request for continued examination of Application 09/917,258 filed on June 19, 2008.

The amendment contains original claims: 4-5, 7, 9 and 11-12.

The amendment contains previously presented claims: 3, 6, 10, 13, 23-24, 33.

The amendment contains amended claims: 32 and 37.

The amendment contains new claims: 38-39.

Claims 1-2, 8, 14-22, 25-31, 34-36 have been canceled.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3-6, 23-24, 33, 37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,973,442 B1 to Drummond et al. (further referred to as Drummond), in view of US Pub. No. 2001/0032121 A1 to Le (further referred to as Le), and further in view of "Tanger Shoppers Score Big Outlet Savings During Super Bowl Scratch and Win Event" on PR Newswire, Dec, 1999 (further referred to as PR Newswire).

Regarding claim 32, Drummond discloses in a bank processing network (column 6, lines 25-41) having a plurality of automated teller machines (ATMs) (column 6, lines 25-41) and an information processing system (column 6, lines 25-67), wherein the information processing system comprises a central marketing customer information file (MCIF) server (column 5, lines 5-7; column 9, lines 1-40; column 10, lines 25-43; column 16, lines 9-67; column 18, line 62 – column 19, line 67), a method for providing customer service information to a customer conducting a transaction at one of the ATMs (column 16, lines 4-67), the method comprising:

Storing customer service information at the MCIF server (column 15, line 65 – column 16, line 3; column 16, lines 22-28; column 17, lines 1-4), the customer service information including customer attribute information and associated customer offer information, the customer offer information relating to customer specific marketing to a customer based on customer attribute information of that customer (column 16, lines 22-32);

In advance of a customer transaction, downloading at least parts of the customer service information from the MCIF server to the ATM, and arranging the customer service information at the ATM (column 10, line 64 – column 11, line 42; column 18, line 62 – column 19, line 67);

transmitting customer specific information where the customer specific information relates to the specific customer using the ATM (column 3, lines 47-50; column 5, lines 5-19; column 9, lines 10-24; column 13, lines 13-17; column 14, lines 23-27; column 15, line 65 – column 16, line 67);

wherein the bank processing network further comprises a central accounting system for storing transaction data for conducting transactions at the ATM, the central accounting system being separate from the central MCIF server (column 10, lines 25-43; column 17, lines 30-40; Figure 3), and wherein the bank branch office is located remotely from the central accounting system and central MCIF server (Figure 1; column 4, lines 53-58); and

wherein the bank has a plurality of remote bank branch offices, wherein the central accounting system and the central MCIF server are located at a central location of the bank (Figures 1 and 3; column 4, lines 53-58; column 10, lines 25-43; column 11, lines 8-42; column 17, lines 30-40);

wherein the customer offer information relates to display information for implementing a customer specific service to a plurality of customers having related customer attribute information (column 17, line 65-column 18, line 1), and includes:

promotion display information relating to a promotional event of potential interest to the customers (column 17, line 65-column 18, line 1);

Administrator display information relating to instructions for directing the customers to a human administrator for further action (column 16, lines 47-55 where Drummond discloses providing display information for customers to seek additional information from an institution and it would be obvious to one of ordinary skill in the event that this display could encourage contacting an administrator for additional financial services, events, or other information).

Drummond does not disclose:

at least one integrated ATM monitoring apparatus, wherein the ATM monitoring apparatus and the ATMs are in two-way communication with each other and are located at a branch office of the bank, transmitting customer specific information from an ATM to the ATM monitoring apparatus in response to a customer conducting a transaction at the terminal, providing selected customer offer information from the ATM monitoring apparatus to the ATM in response to the customer specific information; and wherein the ATM monitoring apparatus and the ATMs are separate from each other and are located at one of the branch offices of the bank.

However, Le discloses at least one integrated monitoring apparatus, wherein the monitoring apparatus and the kiosk are in two-way communication with each other and are located at a local site (page 3, paragraphs 35, 41 and 44-46; page 4, paragraphs 49-50; page 5, paragraph 68), transmitting customer specific information from a kiosk to the monitoring apparatus in response to a customer conducting a transaction at the

terminal (page 3, paragraphs 41 and 44-46; page 4, paragraphs 49-50 and 56-57), providing selected customer offer information from the monitoring apparatus to the kiosk in response to the customer specific information (page 3, paragraphs 41 and 44-46; page 4, paragraphs 49-50 and 56-57), and wherein the monitoring apparatus and the kiosk are separate from each other and are located at a local site (Figures 1-3).

It would be obvious to one of ordinary skill in the art to modify the automated banking machine providing customer specific advertising using a proxy server as disclosed by Drummond to adapt the use of locating the proxy server (monitoring apparatus) at the local site as disclosed by Le. The motivation would be that a local proxy server (monitoring apparatus) which stores information sent from a MCIF file server provides for quicker access to the information as the information is locally located and the server is not required to access a remote database to obtain the information.

Drummond does not specifically disclose transaction display information on one or more transactions that may be selected by the customers and then conducted at the ATM, wherein the transaction display information displays information concerning standard transactions that are applicable to all customers who may use the ATM, and such transaction display information is displayed when neither of the promotion display information and the administrator display information is transmitted by the information processing system to the ATM. Drummond discloses that transactions which can be performed by the machine are displayed and those that can not be performed are not displayed, and further where advertising or other information instead of or in addition to the customer message may be supplied (column 3, lines 20-25; column 9, line 64 –

column 10, line 24; column 10, line 64 – column 11, line 8; column 17, lines 6-29 and lines 51-53; column 21, lines 61-67). It would be obvious that since advertising or other information may be supplied, that advertising or other information may not be supplied such that only transaction information is being supplied as the act of displaying information or not displaying information is old and well known. However, Le further discloses transaction display information on one or more transactions that may be selected by the customers and then conducted at the kiosk, wherein the transaction display information displays information concerning standard transactions that are applicable to all customers who may use the kiosk, and such transaction display information is displayed when neither of the promotion display information and the administrator display information is transmitted by the information processing system to the kiosk (Figure 7 home page with transactions such as access to news, weather, local interest, etc.; paragraphs 48 and 52 where the default interaction page is the home page and from Figure 7 it can be observed that no promotional or administrator information is being displayed but rather simply a default home page with transaction selection options available to all users). It would be obvious to one of ordinary skill in the art at the time of the invention to further modify the combination of Drummond and Le to adapt the use of providing a transaction screen when neither promotional nor administrative information is being displayed. The motivation would be that promotional or administrative information is tailored to specific users and an ATM or kiosk storing information to display to users may not have information for all users and hence a default page would be necessary. Further motivation would be if there were in error in



the promotional information database, for example, such that no promotional information could be supplied in which case it would be obvious that the ATM would use a default screen with simple transactions for using the ATM rather than being completely nonfunctional. Additionally, the use of default pages with transaction selections are old and well known and before the use of providing targeted information to users at an ATM, the default pages provided the source of interaction with the ATMs providing transaction choices to all users. The use of promotional information and custom selection pages is a newer development and improvement upon a basic default transactional screen in the absence of promotional information.

Neither Drummond nor Le disclose wherein the promotion display information is printed on a game card dispensed at the ATM, the game card separately having portions to be rubbed away to reveal information relating to game awards. However, PR Newswire discloses promotion display information printed on a game card dispensed at the terminal (wherein an ATM is a terminal), the game card separately having portions to be rubbed away to reveal information relating to game awards (page 1, lines 11-14). It would be obvious to one of ordinary skill in the art to combine the distribution of game cards as disclosed by PR Newswire with the ATM dispensing mechanism as disclosed by Drummond and Le. The motivation would be that in addition to vouchers, receipts, cash and tickets, etc. distributed by the ATM in the disclosure by Drummond, game cards would be distributed as an incentive to use the machine, or to build loyalty to the sponsoring institution.

Regarding claim 3, Drummond discloses the method wherein the customer attribute information comprises information identifying either one or both of (a) particular personal attributes of the customer and (b) attributes of an account maintained for the customer (column 13, lines 13-34; column 16, lines 1-3 and 22-28).

Regarding claim 4, Drummond discloses wherein the customer attribute information further comprises data identifying the bank account of the customer (column 5, lines 5-19).

Regarding claim 5, Drummond discloses the method wherein the customer attribute information further comprises the address of the customer (column 12, lines 53-56; column 13, lines 24-30).

Regarding claim 6, Drummond discloses the method wherein the customer attribute information further comprises data relating to prior transactions conducted by the customer (column 16, lines 25-29; column 23, lines 13-18).

Regarding claim 23, Drummond discloses the method wherein the customer specific information transmitted from the ATM further comprises data identifying the type of transaction being conducted by the customer (column 9, lines 47-52; column 13, line 60 – column 14, line 5; column 17, lines 12-25).

Regarding claim 24, Drummond discloses the method wherein the customer specific information transmitted from the ATM further comprises data identifying an account of the customer (column 12, line 37 – column 13; column 16, lines 22-33; column 17, lines 6-40).

Regarding claim 33, Drummond discloses the method further comprising:

Storing a plurality of screen displays in advance at the ATM, each screen display relating to a different customer offer information (column 18, line 62 – column 19, line 67); and

Displaying one of the screen displays at the ATM in response to the selected customer offer information being provided from the ATM monitoring apparatus to the ATM (column 7, lines 25-48; column 11, lines 16-42; column 16, line 4 – column 17, line 5; column 17, line 51 – column 18, line 9; column 18, line 62 – column 19, line 67).

Regarding claim 37, Drummond discloses in a bank processing network (column 6, lines 25-41) having a plurality of automated teller machines (ATMs) (column 6, lines 25-41) and an information processing system (column 6, lines 25-67), wherein the information processing system comprises a central marketing customer information file (MCIF) server (column 5, lines 5-7; column 9, lines 1-40; column 10, lines 25-43; column 16, lines 9-67; column 18, line 62 – column 19, line 67), a method for providing customer service information to a customer conducting a transaction at one of the ATMs (column 16, lines 4-67), the method comprising:

Storing customer service information at the MCIF server (column 15, line 65 – column 16, line 3; column 16, lines 22-28; column 17, lines 1-4), the customer service information including customer attribute information and associated customer offer information, the customer offer information relating to customer specific marketing to a customer based on customer attribute information of that customer (column 16, lines 22-32);

In advance of a customer transaction, downloading at least parts of the customer service information from the MCIF server to the ATM, and arranging the customer service information at the ATM (column 10, line 64 – column 11, line 42; column 18, line 62 – column 19, line 67);

transmitting customer specific information where the customer specific information relates to the specific customer using the ATM (column 3, lines 47-50; column 5, lines 5-19; column 9, lines 10-24; column 13, lines 13-17; column 14, lines 23-27; column 15, line 65 – column 16, line 67);

wherein the customer offer information relates to screen display information to be displayed at a screen of the ATM (column 11, lines 16-32; column 16, lines 40-67; column 17, line 51 – column 18, line 9);

wherein the bank processing network further comprises a central accounting system for storing transaction data for conducting transactions at the ATM, the central accounting system being separate from the central MCIF server (column 10, lines 25-43; column 17, lines 30-40; Figure 3), and wherein the bank branch office is located

remotely from the central accounting system and central MCIF server (Figure 1; column 4, lines 53-58); and

wherein the bank has a plurality of remote bank branch offices, wherein the central accounting system and the central MCIF server are located at a central location of the bank (Figures 1 and 3; column 4, lines 53-58; column 10, lines 25-43; column 11, lines 8-42; column 17, lines 30-40).

Drummond does not disclose:

at least one integrated ATM monitoring apparatus, wherein the ATM monitoring apparatus and the ATMs are in two-way communication with each other and are located at a branch office of the bank, transmitting customer specific information from an ATM to the ATM monitoring apparatus in response to a customer conducting a transaction at the terminal, providing selected customer offer information from the ATM monitoring apparatus to the ATM in response to the customer specific information; and wherein the ATM monitoring apparatus and the ATMs are separate from each other and are located at one of the branch offices of the bank.

However, Le discloses at least one integrated monitoring apparatus, wherein the monitoring apparatus and the kiosk are in two-way communication with each other and are located at a local site (page 3, paragraphs 35, 41 and 44-46; page 4, paragraphs 49-50; page 5, paragraph 68), transmitting customer specific information from a kiosk to the monitoring apparatus in response to a customer conducting a transaction at the terminal (page 3, paragraphs 41 and 44-46; page 4, paragraphs 49-50 and 56-57), providing selected customer offer information from the monitoring apparatus to the kiosk

in response to the customer specific information (page 3, paragraphs 41 and 44-46; page 4, paragraphs 49-50 and 56-57), and wherein the monitoring apparatus and the kiosk are separate from each other and are located at a local site (Figures 1-3).

It would be obvious to one of ordinary skill in the art to modify the automated banking machine providing customer specific advertising using a proxy server as disclosed by Drummond to adapt the use of locating the proxy server (monitoring apparatus) at the local site. The motivation would be that a local proxy server (monitoring apparatus) which stores information sent from a MCIF file server provides for quicker access to the information as the information is locally located and the server is not required to access a remote database to obtain the information.

Drummond does not specifically disclose wherein the ATM determines whether selected customer offer information has been transferred to the ATM, and if not, the ATM displays standard screen display information without customer offer information, the standard screen information including transaction display information on one or more financial transactions that may be selected and then conducted at the ATM. However, Drummond discloses the use of a start page, or where the machine is in attract mode and where only transactions which are available at the machine are displayed (column 3, lines 20-25; column 9, line 64 – column 10, line 24; column 10, line 64 – column 11, line 8; column 14, lines 48-60; column 17, lines 6-29; column 17, line 51 - column 18, line 10; column 21, lines 61-67). It would be obvious that the ATM display is going to display some type of information and that if customer specific information is not received to display, that a default screen will be displayed. Further,

since the display is within an ATM, it would be obvious that the information displayed would be transaction choices since presumably the user is using the ATM in order to conduct a financial transaction, and hence providing financial transaction choices in the absence of personal information would be obvious to one of ordinary skill in the art. However, Le further discloses transaction display information on one or more transactions that may be selected by the customers and then conducted at the kiosk, wherein the transaction display information displays information concerning standard transactions that are applicable to all customers who may use the kiosk, and such transaction display information is displayed when neither of the promotion display information and the administrator display information is transmitted by the information processing system to the kiosk (Figure 7 home page with transactions such as access to news, weather, local interest, etc.; paragraphs 48 and 52 where the default interaction page is the home page and from Figure 7 it can be observed that no promotional or administrator information is being displayed but rather simply a default home page with selection options available to all users). It would be obvious to one of ordinary skill in the art at the time of the invention to further modify the combination of Drummond and Le to adapt the use of providing a transaction screen when neither promotional or administrative information is being displayed. The motivation would be that promotional or administrative information is tailored to specific users and an ATM or kiosk storing information to display to users may not have information for all users and hence a default page would be necessary. Further motivation would be if there were an error in the promotional information database, for example, such that no promotional

information could be supplied in which case it would be obvious that the ATM would use a default screen with simple transactions for using the ATM rather than being completely nonfunctional. Additionally, the use of default pages with transaction selections are old and well known and before the use of providing targeted information to users at ATMs, the default pages provided the source of interaction with the ATMs providing transaction choices to all users. The use of promotional information and custom selection pages is a newer development and improvement upon a basic default transactional screen in the absence of promotional information.

Regarding claim 39, Drummond does not disclose selecting at the ATM monitoring apparatus, from among the downloaded customer service information, the customer service information to be made available to customers using ATMs at that branch, so that the control of the display of offer information is at that branch rather than at the central location of the bank. However, Le discloses selecting at the kiosk monitoring apparatus, from among the downloaded customer service information, the customer service information to be made available to customers using a kiosk at that branch, so that the control of the display of offer information is at that branch rather than at the central location (paragraphs 44-46, 49-50 and 68). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the supplying of promotional information from a central system through a monitoring apparatus where the monitoring apparatus provides selected customer offer information from the monitoring apparatus to the kiosk in response to the customer specific information as disclosed by the



combination of Drummond and Le from claim 37 above, to further adapt where the monitoring apparatus selects what offer information to display rather than the central location. The motivation would be that providing information from a local determiner provides for a more fine-tuned response to local conditions, where a local server can be provided with instruction as to which offers and promotions to select under which conditions.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,973,442 B1 to Drummond et al. (further referred to as Drummond), in view of US Pub. No. 2001/0032121 A1 to Le (further referred to as Le), in view of US Patent 6,038,545 to Mandeborg (further referred to as Mandeborg), and further in view of "Tanger Shoppers Score Big Outlet Savings During Super Bowl Scratch and Win Event" on PR Newswire, Dec, 1999 (further referred to as PR Newswire).

Regarding claim 38, Drummond discloses in a bank processing network (column 6, lines 25-41) having a plurality of automated teller machines (ATMs) (column 6, lines 25-41) and an information processing system (column 6, lines 25-67), wherein the information processing system comprises a central marketing customer information file (MCIF) server (column 5, lines 5-7; column 9, lines 1-40; column 10, lines 25-43; column 16, lines 9-67; column 18, line 62 – column 19, line 67), a method for providing customer service information to a customer conducting a transaction at one of the ATMs (column 16, lines 4-67), the method comprising:

Storing customer service information at the MCIF server (column 15, line 65 – column 16, line 3; column 16, lines 22-28; column 17, lines 1-4), the customer service information including customer attribute information and associated customer offer information, the customer offer information relating to customer specific marketing to a customer based on customer attribute information of that customer (column 16, lines 22-32);

In advance of a customer transaction, downloading at least parts of the customer service information from the MCIF server to the ATM, and arranging the customer service information at the ATM (column 10, line 64 – column 11, line 42; column 18, line 62 – column 19, line 67);

transmitting customer specific information where the customer specific information relates to the specific customer using the ATM (column 3, lines 47-50; column 5, lines 5-19; column 9, lines 10-24; column 13, lines 13-17; column 14, lines 23-27; column 15, line 65 – column 16, line 67);

wherein the bank processing network further comprises a central accounting system for storing transaction data for conducting transactions at the ATM, the central accounting system being separate from the central MCIF server (column 10, lines 25-43; column 17, lines 30-40; Figure 3), and wherein the bank branch office is located remotely from the central accounting system and central MCIF server (Figure 1; column 4, lines 53-58); and

wherein the bank has a plurality of remote bank branch offices, wherein the central accounting system and the central MCIF server are located at a central location

of the bank (Figures 1 and 3; column 4, lines 53-58; column 10, lines 25-43; column 11, lines 8-42; column 17, lines 30-40);

wherein the customer offer information relates to display information for implementing a customer specific service to a plurality of customers having related customer attribute information (column 17, line 65-column 18, line 1), and includes:

promotion display information relating to a promotional event of potential interest to the customers (column 17, line 65-column 18, line 1);

Administrator display information relating to instructions for directing the customers to a human administrator for further action (column 16, lines 47-55 where Drummond discloses providing display information for customers to seek additional information from an institution and it would be obvious to one of ordinary skill in the event that this display could encourage contacting an administrator for additional financial services, events, or other information).

Drummond does not disclose:

at least one integrated ATM monitoring apparatus, wherein the ATM monitoring apparatus and the ATMs are in two-way communication with each other and are located at a branch office of the bank, transmitting customer specific information from an ATM to the ATM monitoring apparatus in response to a customer conducting a transaction at the terminal, providing selected customer offer information from the ATM monitoring apparatus to the ATM in response to the customer specific information; and wherein the

ATM monitoring apparatus and the ATMs are separate from each other and are located at one of the branch offices of the bank.

However, Le discloses at least one integrated monitoring apparatus, wherein the monitoring apparatus and the kiosk are in two-way communication with each other and are located at a local site (page 3, paragraphs 35, 41 and 44-46; page 4, paragraphs 49-50; page 5, paragraph 68), transmitting customer specific information from a kiosk to the monitoring apparatus in response to a customer conducting a transaction at the terminal (page 3, paragraphs 41 and 44-46; page 4, paragraphs 49-50 and 56-57), providing selected customer offer information from the monitoring apparatus to the kiosk in response to the customer specific information (page 3, paragraphs 41 and 44-46; page 4, paragraphs 49-50 and 56-57), and wherein the monitoring apparatus and the kiosk are separate from each other and are located at a local site (Figures 1-3).

It would be obvious to one of ordinary skill in the art to modify the automated banking machine providing customer specific advertising using a proxy server as disclosed by Drummond to adapt the use of locating the proxy server (monitoring apparatus) at the local site as disclosed by Le. The motivation would be that a local proxy server (monitoring apparatus) which stores information sent from a MCIF file server provides for quicker access to the information as the information is locally located and the server is not required to access a remote database to obtain the information.

Neither Drummond nor Le specifically disclose transaction display information on one or more transactions that may be selected by the customers and then conducted at the ATM, wherein the transaction display information is displayed when the promotion

display information and the administrator display information is not displayed to the customer within a predetermined period of time after initiating a transaction at the ATM. Drummond discloses that transactions which can be performed by the machine are displayed and those that can not be performed are not displayed, and further where advertising or other information instead of or in addition to the customer message may be supplied (column 3, lines 20-25; column 9, line 64 – column 10, line 24; column 10, line 64 – column 11, line 8; column 17, lines 6-29 and lines 51-53; column 21, lines 61-67); and Drummond discloses where targeted information is supplied to customers if information is available for them based on reading their card data (column 12, lines 53-65; column 15, line 62 - column 16, line 65). It would be obvious that since advertising or other information may be supplied based on identifying a particular customer, that a default screen providing for basic financial transactions could also be supplied. This could be implemented if the database with advertisements was not operational, or if there was detected a line at the ATM in which it was desirous to move people through the ATM quickly. In each of these cases and in many others envisioned, a standard financial transaction screen could be provided rather than a promotional display. If the promotion database were non-functional, as detected by a lapse of time in which promotional data was not received, it would be obvious to use a default screen rather than to simply shut down the entire ATM functionality. Further, Mandeborg discloses the controlling of promotional and default information by a central source and provided to individual stores, wherein the central server provides default and promotional information, and if promotional information is not received, the store instead plays

default information and where the promotions maybe presented in passive or interactive formats (at least abstract; column 2, lines 1-15; column 5, lines 39-59; column 8, lines 13-20 and 42-50). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the supplying of promotional information through an ATM or kiosk as disclosed by Drummond and Le to adopt the display of default information if promotional information is not available as disclosed by Mandeberg. The motivation would be that if the promotional database were in error, the machine could continue in operation using the default settings as disclosed by Mandeberg.

Neither Drummond, Le nor Mandeberg disclose wherein the promotion display information is printed on a game card dispensed at the ATM, the game card separately having portions to be rubbed away to reveal information relating to game awards. However, PR Newswire discloses promotion display information printed on a game card dispensed at the terminal (wherein an ATM is a terminal), the game card separately having portions to be rubbed away to reveal information relating to game awards (page 1, lines 11-14). It would be obvious to one of ordinary skill in the art to combine the distribution of game cards as disclosed by PR Newswire with the ATM dispensing mechanism and promotional information as disclosed by the combination of Drummond, Le and Mandeberg. The motivation would be that in addition to vouchers and receipts and cash and tickets, etc. distributed, game cards would be distributed as an incentive to use the machine, or to build loyalty to the sponsoring institution.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Drummond, Le and PR Newswire as applied to claim 3 above, and further in view of "Citibank Unveils New Automatic Teller Machine Technology to Aid Individuals with Disabilities" by S. Weeks, Sept. 30, 1992 (further referred to as Weeks).

Neither Drummond, Le nor PR Newswire disclose wherein the customer attribute information further comprises data identifying whether the customer is sight-impaired and wherein the customer offer information operates the terminal so as to increase the size of the transaction information displayed on the terminal.

Drummond does disclose storing customer attribute information wherein examples if information stored include gender and customer preferences (column 16, lines 22-32), the use of HTML documents with tags assigned to control such features as fonts and layouts, such that the tags tell the browser how to display the information (page 2, lines 50-63), and wherein user information is stored and wherein users can establish preferences based on their stored information and wherein tags are used to display items on the screen according to those tags. Examiner takes Official Notice that the customer preference storing and use of HTML tags for feature and display control is old and well known. It would have been obvious to one of ordinary skill in the art at the time of invention that tags could be used to indicate printing larger font for those customers who are visually impaired, the motivation being to enable all customer s access to the ATM in a manner in which they could make use of the machine.

Further, Weeks discloses ATM technology to facilitate the accessibility of such individuals as visually impaired through the use of a large font size (page 2, lines 5-7 and lines 19-21). It would be obvious to one of ordinary skill in the art to combine the use of large font size for conducting ATM transactions by the visually impaired as disclosed by Weeks with the ATM system for promotion distribution as disclosed by the combination of Drummond, Le and PR Newswire. The motivation would be to provide ATM services for all individuals using existing technology to do so.

Claim 9-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drummond, Le and PR Newswire, and further in view of "Neglected Shoppers Rejoice: Customer Service is Returning" by B. Aarsteinsen, Nov. 9, 1990 (further referred to as Aarsteinsen).

Regarding claim 9, neither Drummond, Le nor PR Newswire disclose the method wherein the customer attribute information comprises data identifying the customer as having special customer status. However, Aarsteinsen discloses the method wherein the customer attribute information comprises data identifying the customer as having special customer status (page 2, lines 49-52). It would be obvious to one of ordinary skill in the art to combine using the label of special customer as disclosed by Aarsteinsen with the ATM promotional and communication services as disclosed by the combination of Drummond, Le and PR Newswire. The motivation would be to create a



label for the customers which Drummond segments/individualizes when their profile indicates they are a special customer and deserving of attention and focus.

Regarding claim 10, neither Drummond, Le nor PR Newswire disclose the method wherein the customer offer information comprises data causing the ATM monitoring apparatus to notify a human administrator of the special customer status. However, Aarsteinsen discloses the method wherein the customer offer information comprises data causing the local computer system [which in the ATM environment would be the ATM monitoring apparatus] to notify a human administrator of the special customer status (page 2, lines 14-19). It would be obvious to one of ordinary skill in the art to combine notifying a human administrator regarding a special customer as disclosed by Aarsteinsen with the ATM promotional and communication services as disclosed by the combination of Drummond, Le and PR Newswire. The motivation would be to be sure that special customers were given the highest level of service available and to have a positive experience during their transaction.

Regarding claim 11, neither Drummond, Le nor PR Newswire disclose the method wherein the customer attribute information comprises data identifying the customer as having preferred customer status. However, Aarsteinsen discloses the method wherein the customer attribute information comprises data identifying the customer as having preferred customer status (page 2, lines 49-52). It would be obvious to one of ordinary skill in the art to combine using the label of preferred

customer as disclosed by Aarsteinsen with the ATM promotional and communication services as disclosed by the combination of Drummond, Le and PR Newswire. The motivation would be to create a label for the customers which Drummond segments when their profile indicates they are a preferred customer. The use of special or preferred customer designation is used in various applications in industry such as frequent flier airline awards programs, frequent guest hotel awards programs, frequent diner award programs is well known. In addition to programs related to frequency of interaction, guests of special status are identified based on prestige, title (President, CEO, etc.), level of savings accounts such as high-yield account holders, large-scale investors, etc. These individuals are often addressed by the more senior management, provided with special services, special allowances made, etc. For example, when a frequent flier checks in, the attribute information related to their account immediately identifies that traveler as a frequent flier and special boarding and sometimes seat upgrades are offered based on that data. They are both a special customer, and a customer with preferred status.

Regarding claim 13, Drummond discloses the method wherein the customer offer information relates to display information to be displayed at the ATM and directing the customer to a human administrator (column 16, lines 47-55).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Drummond, Le, PR Newswire and Aarsteinsen as applied to claim 9 above, and further

in view of "Freddie Mac is Avoiding Bad Loans" by P. Reeves, Nov. 23, 1997 (further referred to as Reeves). Neither Drummond, Le, PR Newswire nor Aarsteinsen disclose the method wherein the special customer status is a poor credit status. However, Reeves discloses the method wherein the special customer status is a poor credit status (page 1, lines 9-14). It would be obvious to one of ordinary skill in the art to combine the label of poor credit as disclosed by Reeves with the ATM promotional and communication services as disclosed by the combination of Drummond, Le, PR Newswire and Aarsteinsen. The motivation would be to create a label for the customers which Drummond and Aarsteinsen segment/individualize when their profile indicates they are a special customer and deserving of attention and focus such that special attention is noted regarding their poor credit.

### ***Response to Arguments***

Applicant has argued that the prior art as applied failed to teach the claim limitations, and further that the prior art was improperly combined. Each of the arguments regarding the application of art have been addressed in the present Office Action in the rejection above.

For example, applicant has argued that Drummond fails to disclose displaying transaction display information when promotional information is not available at the ATM. As detailed above, Drummond discloses that where advertising or other information instead of or in addition to the customer message during a transaction **may** be supplied. It would be obvious that since advertising or other information **may** be

supplied, that advertising or other information **may not** be supplied such that only transaction information is being supplied as the act of displaying information or not displaying information is old and well known. Additionally, Le discloses transaction display information that may be selected by the customers and then conducted at the kiosk, where the transaction display information displays information concerning standard transactions that are applicable to all customers who may use the kiosk, and such transaction display information is displayed when neither of the promotion display information and the administrator display information is transmitted by the information processing system to the kiosk. Figure 7 shows a home page with transactions such as access to news, weather, local interest, etc., where the default interaction page is the home page and from Figure 7 it can be observed that no promotional or administrator information is being displayed but rather simply a default home page with transaction selection options available to all users. As noted above, it would be obvious to provide a transaction screen when neither promotional nor administrative information is being displayed as promotional information is tailored to specific users and an ATM or kiosk storing information to display to users may not have information for all users and hence a default page would be necessary. Further, if there were in error in the promotional information database, for example, such that no promotional information could be supplied in which case it would be obvious that the ATM would use a default screen with simple transactions for using the ATM rather than being completely nonfunctional. The use of default pages with transaction selections are old and well known and before the use of providing targeted information to users at an ATM, the default pages provided

the source of interaction with the ATMs providing transaction choices to all users. The use of promotional information and custom selection pages is a newer development and improvement upon a basic default transactional screen in the absence of promotional information.

Applicant further argues a variation of the above where the display of a transaction options is displayed when a predetermined time passes and promotional information has not been received. Similar to the above arguments, Drummond discloses that advertising or other information instead of or in addition to the customer message may be supplied (column 3, lines 20-25; column 9, line 64 – column 10, line 24; column 10, line 64 – column 11, line 8; column 17, lines 6-29 and lines 51-53; column 21, lines 61-67); and Drummond discloses where targeted information is supplied to customers if information is available for them based on reading their card data (column 12, lines 53-65; column 15, line 62 - column 16, line 65). It would be obvious that since advertising or other information *may* be supplied based on identifying a particular customer, that a default screen providing for basic financial transactions could also be supplied. This could be implemented if the database with advertisements was not operational, or if there was detected a line at the ATM in which it was desirous to move people through the ATM quickly. In each of these cases and in many others envisioned, a standard financial transaction screen could be provided rather than a promotional display. If the promotion database were non-functional, as detected by a lapse of time in which promotional data was not received, it would be obvious to use a default screen rather than to simply shut down the entire ATM functionality. Further,

Mandeberg discloses the controlling of promotional and default information by a central source and provided to individual stores, wherein the central server provides default and promotional information, and if promotional information is not received, the store instead plays default information and where the promotions maybe presented in passive or interactive formats (at least abstract; column 2, lines 1-15; column 5, lines 39-59; column 8, lines 13-20 and 42-50). It would be obvious to display default information if promotional information is not available as disclosed by Mandeberg such that if the promotional database were in error or if promotional information does not exist for a customer, for example, the machine could continue in operation using the default settings as disclosed by Mandeberg.

Newly added claim 39 contains similar limitations as found in its independent claim 37. In each claim, the limitation is rejected by the combination of Drummond and Le as Le discloses where the control of information is at the monitoring apparatus such that the central server sends information to the monitoring apparatus, and then the monitoring apparatus determines the flow of information to the kiosks at the local level. The motivation cited of providing quicker access to information when it is stored locally is provided by Le and while there may be multiple motivations for combining references, this is one motivation as provided for in the prior art, recognizing that other motivations exist. The end result of the combination is the claim limitations as presented.

Furhter in response to Applicant's argument that it would not have been obvious to modify the cited prior art reference(s) to create the claimed invention, the Courts have stated that "[w]hen a work is available in one field of endeavor, design incentives and

other market forces can prompt variations of it, either in the same field or a different one. If a person of ordinary skill can implement a predictable variation, §103 likely bars its patentability. For the same reason, if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill." KSR Int'l Co. v. Teleflex, Inc. 127 S. Ct. 1727, 1740, 92 USPQ2d 1385, 1396 (2007). In the instant case, the cited prior art references were available in the field at the time of the purported invention. The Applicant merely implemented a predictable variation of these existing methods in establishing his/her own invention. Such predictability is based upon the fact that each incorporated method performs the same function and provides the same utility as originally intended in their pre-combination state.

### ***Conclusion***

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday - Friday, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached at 571-272-6702. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

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/Jennifer Liversedge/  
Examiner, Art Unit 3692